



Appeal Decision

Site visit made on 1 April 2022

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST April 2022

Appeal Ref: APP/Y5420/D/22/3291853

1 Lockmead Road, Tottenham, London N15 6BX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Herbst against the decision of the London Borough of Haringey Council.
 - The application HGY/2021/2861, dated 13 September 2021, was refused by notice dated 12 November 2021.
 - The development proposed is erection of first floor side and ground floor rear extensions as approved ref HGY/2021/1116 together with Type 3 loft across the full width of the property (in part approved by HGY/2021/1116)
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form gave no applicant name however the appeal form states that the appellant is Mr Ben Herbst and I have taken this to be the applicant and appellant.

Main Issue

3. The main issue is whether there would be a detrimental effect on the living conditions of present and future occupiers at Nos 19, 21 and 23 Grovelands Road in respect of proximity, outlook and levels of light.

Reasons

4. The appeal property forms the end house in a terrace of two storey properties on the north side of Lockmead Road constructed in brick and finished in render under tiled roofs. No 1 has a two storey, flat roofed side extension extending to the side boundary with Nos 19 to 21 Grovelands Road. The Grovelands Road properties are at right angles to those in Lockmead Road and have very restricted space to their rear. According to the Block Plan the main rear elevation of Nos 19 and 21 is approximately 7-8 metres from the boundary with No 1 Lockmead Road and its side extension. No 19 has a single storey rear extension which is only about 4 metres from the side boundary and the side extension.
5. It was obvious from the site visit that a significant number of properties in Lockmead Road have taken advantage of the Council's decision to support Type 3 roof extensions in South Tottenham i.e. the addition of a further full storey and raised roof which is now proposed at No 1.
6. The appeal property already benefits from permission for the addition of a third storey and new roof over the main house under permission ref HGY/2021/1116.

The appeal proposal seeks to revise this to extend the Type 3 roof extension over the current side extension and would insert another storey on top of the flat roof side extension and terminate in a hipped roof positioned right on the property boundary with Nos 19 and 21 Grovelands Road.

7. The result of this, given the restricted depth of the rear yards to Nos 19 and 21 and a lesser extent No 23 Grovelands Road, and the positioning of the upward extension on the plot boundary would be that the height and unrelieved mass of walling would be enclosing and overbearing. This would adversely affect both the rear yard space and the ground floor windows to the properties but also the first floor windows where the outlook, particularly for No 19, would be dominated by the blank wall at close quarters. It has been put to me that, as the outlook from the ground floor of the neighbouring properties is already into the wall of the existing side extension and as the first floor windows would have some outlook past the extension to open sky, the difference would be minimal. However, this compromised existing relationship would not justify a worsening of the situation with further enclosure as a result of the increase in height and overbearing development. Whilst on the site visit I took the opportunity to visit No 23 Grovelands Road and viewed the side of No 1 Lockmead Road and its relationship to Nos 19 and 21 from No 23's rear yard which confirmed the detrimental effect that the proposed extension would have.
8. With regard to light and overshadowing, No 1 Lockmead Road sits on the east side of Nos 19 and 21 Grovelands Road. The height of No 1 currently and what has been permitted already together with the restricted depth of the rear yards to Nos 19 and 21 means that morning sunlight to the rear of the properties at ground floor level and to the yards is already extremely limited. The appellant has provided a lighting assessment, carried out on his behalf by consultants, which demonstrates that none of the rear windows in Nos 19 and 21 are within 90° of due south (at 180°) ie between 90° and 270° of due north. The subject windows are at 74° of due north and therefore the assessment concludes that there would be no impact on the amount of sunlight hours received by the windows. The assessment does however conclude that there would be some reduction in daylight – measured by the vertical sky component (VSC) – and a 'minor adverse impact' for two ground floor windows in No 19 and one ground floor window in No 21 where the VSC would fall below 0.8 times the existing VSC as a result of the extension. It has been put to me that as the impact on daylight for the other windows would be negligible and the reduction of light to the 3 windows would be limited it is concluded the reduction is acceptable.
9. I have no reason to dispute the technical findings of the daylight assessment and note that the Council has accepted the findings. Nevertheless, in a situation where the existing VSC to rear ground floor windows in Nos 19 and 21 is already below a good level of daylight (defined as a VSC value of 27%) any further loss would be additionally detrimental. In any event, even if I was to accept that the reduction in daylight was acceptable, this does not mean that the harm to living conditions from an overbearing and enclosing extension can be set aside.
10. The *Haringey Local Plan Strategic Policies* (HLPSP) at Policy SP11 generally requires buildings to be designed and built to a high quality in all respects. This is developed further in the *Haringey Local Plan Development Management DPD* (HLPDM) at Policy DM1 which requires development to ensure a high standard of amenity for the development's neighbours and at Policy DM12, specifically in respect of housing development including extensions, that proposals must take account of the privacy and amenity of neighbouring uses.

11. The Council has produced the *House Extensions in South Tottenham Supplementary Planning Document* (SPD) to guide development particularly of roof extensions and to help to implement the HLP policies. The Guide requires developers to have regard to the detailed effect of design on neighbours' amenity. I am satisfied that, although the SPD is generally supportive of well-designed Type 3 roof extensions, the underlying message is that such extensions should carefully consider height, mass and scale of development close to a boundary with an existing building.
12. In this case, for the reasons above, the effect of the appeal proposal would be overbearing and enclosing and would further harm the living conditions of present and future occupiers of the neighbouring properties at Nos 19 and 21 Grovelands Road and thereby conflict with policies DM1 and DM12 of the HLPDM and the SPD.

Other Matters

13. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and I understand the appellants' wish to achieve additional accommodation through the extension and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 130 of the Framework states that this should not be at the expense of the amenity of present and future users of land. As such, sustainable and effective use of the dwelling would not, of itself, outweigh the harm to the living conditions for neighbouring occupiers in Grovelands Road.

Conclusion

14. In reaching my decision I have had regard to the matters before me and for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR